United Nations CEDAW/C/MKD/Q/6

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of the former Yugoslav Republic of Macedonia

Constitutional, legislative and institutional framework and definition of discrimination

1. In the sixth periodic report of the State party (CEDAW/C/MKD/6, paras. 5–6),[1] it is stated that all forms of discrimination are explicitly prohibited under the Law on Equal Opportunities for Women and Men of 2012 and that the level of harmonization of national with European legislation has been upgraded. Please explain which specific provisions have been harmonized and whether they cover all forms of discrimination against women, direct and indirect, including those that are intersecting on the basis of disability, age, ethnicity, religion, sex and membership of minority groups, in the public and private spheres. Please also explain how "harassment" and "sexual harassment" are defined in law.

2. Please provide information about the status of the initiative to amend the Law on Prevention and Protection from Discrimination (para. 7). In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate whether gender-based violence is addressed and provide information on protection mechanisms. Please also explain whether the new anti-discrimination legislation will explicitly prohibit discrimination based on sexual orientation and gender identity.

[1] Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party.

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Access to justice

3. It is indicated that the implementation of the Law on Free Legal Aid has improved access to justice for disadvantaged groups of women (para. 17). Please provide information on the human and financial resources allocated to legal aid programmes and on dissemination campaigns to promote awareness of the legislation. Please also provide information about its effectiveness in facilitating access to justice for women who are victims of gender-based violence and on the number of applications for free legal aid, in particular by women who are victims of domestic violence, made and approved in 2016 and 2017.

National machinery for the advancement of women

4. In view of the State party's obligations under article 3 of the Convention and the Committee's general recommendation No. 6 (1988) on effective national machinery and publicity and its commitment to achieving Sustainable Development Goal 5, please explain what measures have been taken to ensure the effective implementation of the Law on Equal Opportunities of Women and Men, including through the allocation of adequate resources and the monitoring of its impact. Please provide comparative data on the annual budget allocations to the Sector for Equal Opportunities of the Ministry of Labour and Social Policy and for other gender equality activities and programmes. Please also provide detailed information on the measures taken to ensure the independence, effectiveness and mandates in favour of gender equality of the Commission for Protection against Discrimination and the Office of the Ombudsman, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please provide information on the draft amendments to the Law on the Ombudsman (para. 16).

Temporary special measures

5. Please provide information, in addition to that on the temporary special measures aimed at increasing the political and economic participation of women (paras. 32–33, 37–41, 105, 145–150 and 155–160), about other such measures adopted or envisaged with a view to accelerating the achievement of substantive equality between women and men in public and political life, education and employment, in particular with regard to disadvantaged groups of women, including Roma women, rural women and women with disabilities. Please explain the reasons for the withdrawal of the special measures encouraging women to apply for State agricultural subsidies from the rural development strategy for the period 2007–2013.

Stereotypes

6. The State party acknowledges that, despite the existence of awareness-raising programmes for media professionals (paras. 76–77), little or no effort is made in the media to address gender equality issues or portray women and men in non-stereotyped roles. Rather, women are objectified and portrayed in traditional roles. Please elaborate on steps taken by the Agency for Audio and Audiovisual Media or other State authorities concerned to address discriminatory stereotypes regarding the roles of women and men in the family and in society.

7. With reference to the Committee's general recommendation No. 36 (2017) on the right of girls and women to education, please indicate whether teacher training has been made gender-sensitive, which curricula have been reviewed and with what results and whether teaching materials at all levels of education promote women's rights, gender equality and non-violent masculinity. Please also indicate the measures

that have been taken to support women and girls who wish to choose non-traditional career paths, such as in the police or customs authorities.

Gender-based violence against women

8. In the light of the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, please provide information on the Law on Prevention and Protection against Domestic Violence of 2014 and other related legislation, the measures to give it effect and any obstacles encountered in its implementation. Please indicate whether the State party plans to amend it in order to extend its scope to harmful practices against girls, such as child marriage. Please provide updated information on the progress made with the adoption of a national strategy on prevention and protection against domestic violence, the establishment of a national body on domestic violence and the adoption of a protocol for cooperation between the authorities working to prevent and protect against domestic violence (para. 55). Please provide information on the conditions under which marital rape is criminalized and whether the definition of rape is based on lack of consent rather than resistance to force.

9. It is indicated in the report that the number of domestic violence offences increased in 2015 and more than 70 per cent of victims were women (para. 63). Please provide additional information on the measures taken to address gender-based violence. Please also provide information on the services available to women who are victims of such violence, on the number of shelters and rape crisis centres and on the human and financial resources allocated to them. Please describe the measures taken to build the capacity of law enforcement officers, including judges, prosecutors, police officers, doctors and social workers, to enforce the laws and apply the standard operating procedures for processing survivors of sexual and gender-based violence, to investigate and prosecute perpetrators and to protect victims. Please provide data, disaggregated by age, ethnicity, disability and relationship between the victim and perpetrator, on the number of prosecutions and convictions and the types of sentences imposed on perpetrators of gender-based violence against women, in particular women from disadvantaged groups.

Trafficking and exploitation of prostitution

10. Please provide information on the impact of the law of 2014 amending the Criminal Code, other legislative amendments made in 2015 (paras. 84–85) and the national strategy and action plan for combating trafficking in persons and illegal migration for the period 2013–2016, notably on the number of prosecutions and convictions in cases of trafficking and the types of sentences imposed on perpetrators, in particular for trafficking in women and girls, and indicate the measures that are in place to raise public awareness of trafficking in persons. Please also provide updated information on the measures taken to prevent trafficking in women and girls and to enhance victim protection (paras. 100–104) and identification, in particular in the case of women and girls from ethnic communities, based on the analysis mentioned in the report (para. 89). Please describe the measures taken by the State party to conclude bilateral and regional agreements to facilitate cooperation on trafficking with other countries in the region. Please also inform the Committee of the number of temporary residence permits issued and the conditions governing their issuance to women who are victims of trafficking and indicate whether immunity is granted to victims of trafficking.

11. Please provide data on the prevalence of prostitution in the State party (CEDAW/C/MDK/CO/4-5, para. 26), the legal framework applicable to prostitution,

measures adopted to prevent the sexual exploitation of women and girls and alternative income opportunities and exit programmes available to those wishing to leave prostitution. Please indicate measures taken by the State party to protect the rights of women in prostitution, such as improving HIV prevention and access to legal services.

Participation in political and public life

12. Please provide updated information on the representation of women in political and public life and on the measures taken to address the low representation of women, in particular women from ethnic minority groups, in the parliament, municipal councils, central and local government and the armed forces, especially in decision-making positions (paras. 107–108 and 111). Please also describe the measures taken to promote access for women to high ranks in international organizations and the diplomatic service (paras. 116–117).

Education

13. Please provide updated data, disaggregated by sex, age, ethnicity and residence in rural or urban areas, on the dropout rates of girls at all levels of education and provide examples of measures and support programmes for girls who marry before the age of 18 years. Please describe any measures taken to increase the rate of school attendance of girls at each level of primary and secondary education. Please also provide information on the results of the campaign to raise the awareness of the Roma population of the importance of school enrolment of girls (para. 140) and on the measures taken to integrate Roma children into regular classes, in line with paragraph 41 of general recommendation No. 36 (para. 141).

14. Please provide data on the educational and professional choices of women and girls, as well as men and boys, and describe recent steps taken by the State party to promote the participation of the former in non-traditional fields of study and career paths (para. 126).

Employment

15. Please provide information on the results of the study on the root causes of the low rate of participation of women in the labour market (para. 144) and on the measures taken to address this situation, including through shared parental leave and affordable, high-quality childcare. Please also provide information on the measures taken to reduce the gender pay gap, especially in agriculture, industry and traditional services (para. 159), with a view to eliminating it. Please indicate whether amendments to the Law on the Minimum Salary relating to the rights of women garment workers ensure that they receive adequate remuneration and benefits.

Health

16. Please provide updated information on the progress made in adopting and implementing guidelines on post-partum haemorrhage, which is the leading cause of maternal mortality in the State party (para. 161). Please also provide information on the provision of free antenatal care to disadvantaged groups of women and the accessibility and quality of emergency obstetric and neonatal care throughout the State party. Please indicate what measures have been taken to improve the coverage of the programme for cervical cancer screening.

17. In its previous concluding observations, the Committee expressed concern about the lack of information on hea'th and rehabilitation services available to women and girls who are drug users (CEDW/C/MKD/CO/4-5, para. 33). Please provide

information on the measures taken to improve such services and respond to the specific health needs of such women and girls.

18. Please indicate whether there are plans to amend the Law on the Termination of Pregnancy to remove the requirement for mandatory counselling prior to abortion, repeal the severe penalties imposed on practitioners who perform emergency abortions and address the long waiting periods for abortion. Please provide information on measures taken by the State party to improve access to modern contraceptive methods, including by ensuring universal coverage under State health insurance of all costs relating to such methods, in order to prevent unwanted pregnancies. Please also indicate steps taken to introduce mandatory, age-appropriate sexuality education in primary and secondary schools.

Rural women

19. Please provide information on the measures taken to increase the participation of rural women in decision-making in political life, education, employment, social assistance, land ownership and management, and microcredit schemes.

Refugee women

20. Please provide information on the measures taken to develop gender-sensitive procedures for processing asylum applications and determining refugee status and to train law enforcement officers on gender-sensitive ways of dealing with refugee and asylum-seeking women and girls, especially victims of gender-based violence. Please also indicate the safeguards in place to prevent gender-based violence against refugee women and girls in transit in the State party.

Disadvantaged groups of women

21. Please provide detailed information on the implementation of the new strategy for Roma for the period 2014–2020 and the national action plan for the period 2016–2020 to strengthen the position of Roma women in society (paras. 185–186), and on the measures taken to address intersecting forms of discrimination against Roma women and girls in education, employment, housing and access to health care. Please also provide data, disaggregated by sex, ethnicity and disability, on intersecting forms of discrimination faced by disadvantaged groups of women, including poor and older women, female-headed households, women with disabilities, women engaged in prostitution and lesbian, bisexual and transgender women and intersex persons, in obtaining access to education, employment, social assistance, health care and other basic services, and on the measures taken to address such discrimination.

Marriage and family relations

22. Please explain how the legal minimum marriageable of marriage, which is set at 18 years for women and men, is enforced among the Roma and Albanian communities, in which the practice of child marriage is most prevalent. Please also provide detailed information on the measures taken to raise public awareness of the adverse effects of child marriage on the enjoyment by women of their human rights, especially to education, employment and health. Please provide information on how data are collected on de facto unions between minors or in which one of the partners is a minor. Please also provide information on the protection given to women upon the termination of de facto unions regarding alimony, child support and the division of property acquired during the union.